

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

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In the Matter of:)
)
476 K, LLC)
t/a Cloakroom)
)
Holder of a)
Retailer's Class CN License)
)
at premises)
476 K Street, NW)
Washington, D.C. 20001)
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License No.: ABRA-087875
Order No.: 2020-268

476 K, LLC, t/a Cloakroom (Licensee)

Rachelle Nigro, Chairperson, Advisory Neighborhood Commission (ANC) 6E

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ORDER ON SECOND AMENDMENT TO SETTLEMENT AGREEMENT

On July 9, 2008, ANC 6C and a previous holders of a Retailer's Class CN license for the premises located at 476 K Street, NW, entered into a Settlement Agreement (Agreement). 476 K, LLC, t/a Cloakroom (Licensee), as the subsequent and current holder of that license is required to comply with the terms of the Agreement, because it govern the operations of the Licensee's establishment.

On July 18, 2017, the Licensee and ANC 6E entered into a First Amendment to Settlement Agreement (First Amendment), that also governs the operations of the Licensee's establishment. This matter comes now before the Board to consider the

Parties' Second Amendment to Settlement Agreement (Second Amendment), dated August 17, 2020, in accordance with D.C. Official Code § 25-446 (2001).

The Second Amendment has been reduced to writing and has been properly executed and filed with the Board. The Licensee and Chairperson Rachelle Nigro, on behalf of ANC 6E, are signatories to the Amendment.

Accordingly, it is this 19th day of August, 2020, **ORDERED** that:

1. The above-referenced Second Amendment to Settlement Agreement submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Settlement Agreement and First Amendment to Settlement Agreement not amended by the Second Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6E.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: a433a648694570e4b73209381dc08

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547a4778020e4c0b11532a2946e2

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d320a1f6e146d7f4b725d17917d201

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rema Wahabzadah, Member
Key: bf2ca4db596b74069b19e35b738f16cf

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b590a9f1845e1f6e4016155e5e1281cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 621729318506447491b36f9c2e4189f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda77f9f0040ec14adeb52541ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E StTeet, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

*Second Amendment to Voluntary Agreement
Dated as of August 15, 2020*

by and between

476 K, LLC
and
Advisory Neighborhood Commission No. 6E

for premises located at
476 K Street, N.W.

Recitations

WHEREAS, a Voluntary Agreement ("Voluntary Agreement") dated as of July 9, 2008 was entered into by *Advisory Neighborhood Commission 6C* ("ANC 6C") and *9th St. Restaurants, Inc.* ("Previous Owner"), with respect to an establishment located at 476 K Street, N.W, Washington, D.C. ("Establishment"), which was the holder of an alcoholic beverage control license Class CN, ABRA License No. 6372 ("License"); and,

WHEREAS, the First Amendment to the Voluntary Agreement dated July 18, 2017 was entered into by *Advisory Neighborhood Commission 6E* ("ANC 6E"), the successor-in-interest to ANC 6C, with the current owner, *476 K, LLC* ("Owner"), a limited liability corporation organized under the laws of the District of Columbia, and duly authorized to do business in the District of Columbia

WHEREAS, a copy of the Voluntary Agreement and First Amendment to the Voluntary Agreement is appended hereto as *Attachment A*; and,

WHEREAS, the Owner has filed an Application for a Substantial Change in its operations for the License ("Application") with the ABC Board; and,

WHEREAS, the Application seeks an endorsement to conduct sports wagering; and,

WHEREAS, ANC 6E has lodged a Protest petition with the ABC Board ("Protest") opposing issuance of an Order; and,

WHEREAS, the Owner and ANC 6E (collectively, the "Parties") desire to resolve contested issues in the Proceeding through this Second Amendment to the Voluntary Agreement.

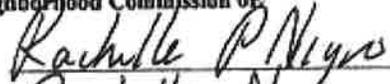
NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties state and agree as follows:

1. The Recitations set forth above are hereby restated and incorporated into this Agreement.
2. All terms and conditions of the July 9, 2008 Agreement and July 18, 2017 Amendment are incorporated herein by reference, re-affirmed and shall remain in full force and effect.
3. Install security cameras within the establishment that will capture gaming activities. The footage from the security cameras will be stored for at least thirty (30) days.
4. Install security cameras outside the establishment to monitor points of entrance and exit. The camera at the entrance should also be able to capture activity in front of the establishment on 5th street. The footage from the security cameras will be stored for at least thirty (30) days.
5. Security staff will be employed on Friday nights and Saturday nights from 8:00pm to close.
6. Follow all security rules and regulations established by the DC Lottery.

IN WITNESS WHEREOF, the Parties, acting through their authorized representatives, have agreed to, and signed, this *Second Amendment to Voluntary Agreement Dated as of August* __, 2020.

476 K, LLC

Signature: 
 Printed Name: Tony Cavasios
 Title: Member - 476K LLC
 Date: 8/17/2020

Advisory Neighborhood Commission 6E
 Signature: 
 Printed Name: Rachelle Nigro
 Title: Chair ANC 6E
 Date: 8-15-2020